

Message Text

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S/S - LREDDY

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FM SECSTATE WASHDC

TO AMEMBASSY KUALA LUMPUR IMMEDIATE

AMEMBASSY MANILA

C O N F I D E N T I A L STATE 277219

EXDIS, NOFORN

E.O. 11652: GDS

TAGS: PFOR, PINS, RP, MY, US

SUBJECT: ASYLUM REQUEST OF BENJAMIN MAYNIGO

REFS: A. KUALA LUMPUR 6503 B. MANILA 17474

C. KUALA LUMPUR 6472 D. STATE 217868

1. DEPARTMENT TAKES POSITION THAT IT DOES NOT AT THIS TIME HAVE REQUESTS FOR ADMITTANCE TO USA FROM MAYNIGOS OR JUMATS BEFORE IT FOR CONSIDERATION AND WILL NOT FORMALLY CONSIDER SUCH REQUESTS UNTIL SUCH TIME AS APPLICANTS HAVE VISITED EMBASSY AND SUBMITTED APPROPRIATE APPLICATIONS. (FYI AS MATTER OF POLICY, USG DOES NOT GRANT "ASYLUM" TO PERSONS NOT WITHIN U.S. JURISDICTION, EXCEPT IN CASE OF IMMINENT DANGER. IN REMAINDER THIS MESSAGE, THEREFORE, UNLESS CONTEXT REQUIRES USE OF "ASYLUM," WE UTILIZE TERM "APPLICATION FOR ADMISSION TO
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U.S." AFTER LAWFUL ADMISSION, PERSONS MAY APPLY TO

INS THROUGH NORMAL PROCEDURES FOR POLITICAL ASYLUM. END
FYI.) APPLICANTS ARE NOT CURRENTLY IN ANY SENSE UNDER
U.S. JURISDICTION AND DEPARTMENT WILL NOT CONSIDER
APPLICATIONS UNTIL APPLICANTS HAVE BEEN PROPERLY INTER-
VIEWED AND APPLICATIONS FORWARDED TO WASHINGTON. IN
ABSENCE THESE CONDITIONS, WE CONSIDER THAT CURRENT STATUS

OF MAYNIGOS AND JUMATS IS ESSENTIALLY MALAYSIAN PROBLEM.

2. FOR INFORMATION OF POSTS, FOLLOWING ARE SOME CON-
SIDERATIONS RE VARIOUS APPLICANTS WHICH HAVE OCCURRED TO
US AND ON WHICH YOUR COMMENTS WOULD BE WELCOME. KUALA
LUMPUR MAY WISH DEVELOP FURTHER INFORMATION ALONG THESE
POINTS AT SUCH TIME AS APPLICANTS APPEAR FOR INTERVIEWS.
WHATEVER FAMILY RELATIONSHIP TO MANGLAPUS MAY APPLY TO
MANGLAPUS' DAUGHTER AND HER HUSBAND AND CHILD (AND WE
ARE NOT PREPARED AT THIS POINT TO JUDGE THAT 26-YEAR-OLD
MARRIED DAUGHTER WHO HAS LIVED SEPARATELY FROM PARENTS
WOULD DERIVE ANY STATUS FROM THEM), SAME DOES NOT
NECESSARILY APPLY TO MRS. BUGAYONG OR TO JUMATS.
MANGLAPUS HAS TOLD US THAT MRS. BUGAYONG HAS RESIDED
WITH MAYNIGOS FOR SOME TIME, WOULD HAVE BEEN LEFT ALONE,
AND FEARED HARASSMENT OR PERSECUTION IF SHE STAYED
BEHIND. HOWEVER, LACK OF PERSONAL FAMILY TIE TO
MANGLAPUS PROSPECTIVELY MAKES HER CASE DIFFERENT. THIS
EVEN MORE SO IN CASE OF JUMATS. MANGLAPUS HAS TOLD US
THAT JUMAT HAS BEEN LINK IN UNDERGROUND RAILWAY WHICH
HAS AIDED A NUMBER OF OTHER CLANDESTINE DEPARTURES
FROM PHILIPPINES (OF WHICH DEPARTMENT IS UNAWARE) IN
ADDITION TO TWO MANGLAPUS FAMILY TREKS. ACCORDING
MANGLAPUS, JUMAT WAS ADVISED BY OBLATE ORDER TO HIMSELF
LEAVE AS THEY FEARED NET MIGHT BE CLOSING IN AROUND
HIM. IF TRUE, THERE MAY BE RESPONSIBILITY RESTING WITH
OBLATES TO FACILITATE STEPS WHICH COULD LEAD TO JUMAT
FAMILY RESETTLEMENT SOMEWHERE.

3. ACTION REQUESTED: FOR KUALA LUMPUR: EMBASSY SHOULD
INFORM MALAYSIAN AUTHORITIES, THROUGH WHATEVER CHANNEL
EMBASSY THINKS BEST, OF POSITION SET FORTH IN PARA 1
ABOVE. SHOULD MALAYSIAN OFFICIALS RESPOND THAT THEY
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HAVE BEEN INFORMED THAT DEPARTMENT HAS AGREED TO GRANT
ASYLUM TO THIS GROUP (AS MAYNIGO QUOTED MANGLAPUS AS
SAYING, PER REF C), EMBASSY MAY STATE THAT THIS ALLEGA-
TION IS NOT CORRECT AND THAT NO PROMISE OF APPROVAL HAS
BEEN MADE TO MANGLAPUS BY DEPARTMENT. (FYI MANGLAPUS DID
INFORM DEPARTMENT OF HIS DAUGHTER'S ESCAPE EFFORT,
BUT CAREFULLY DID SO ONLY WHEN GROUP WAS ALREADY EN ROUTE
AND COULD NO LONGER BE CALLED BACK. DEPARTMENT OFFICERS

WERE CAREFUL IN ALL DISCUSSIONS WITH HIM TO STATE THAT MATTER NOT FORMALLY BEFORE US AND COULD NOT BE CONSIDERED UNTIL PROPER APPLICATIONS SUBMITTED. DEPARTMENT OFFICERS WERE EQUALLY CAREFUL NOT TO STATE OR IMPLY THAT APPROVAL WOULD BE FORTHCOMING. END FYI.) DEPARTMENT RECOGNIZES THAT RESPONSE OUTLINED ABOVE MAY NOT DO MORE THAN BUY SUFFICIENT TIME FOR MALAYSIANS TO MAKE ARRANGEMENTS TO HAVE GROUP BROUGHT TO KUALA LUMPUR AS MALAYSIAN CONTACT

INDICATED IN REF A COULD BE ARRANGED. NONETHELESS, WE BELIEVE THIS DEGREE OF PRESSURE SHOULD BE EXERTED ON GOM AS FIRST OF NUMBER OF POSSIBLE OPTIONS, WHICH MIGHT ALSO INCLUDE UNHCR ASSISTANCE TO GROUP.

4. FOR MANILA: WHILE WE DO NOT RULE OUT INFORMING GOP AT SOME TIME OF FLIGHT OF MANGLAPUS' DAUGHTER OR OF FACT, IF IT COMES TO PASS, OF APPLICATION FOR ADMISSION TO U.S., WE CONSIDER SUCH NOTIFICATION PREMATURE AT THIS TIME. ACCORDINGLY, AMBASSADOR SHOULD NOT INFORM ENRILE AT NOVEMBER 11 MEETING. WHILE MAYNIGO HAS BEEN IN CONTACT WITH EMBASSY KUALA LUMPUR BY PHONE AND TELEGRAM, WE DO NOT YET CONSIDER THAT WE HAVE FORMAL APPLICATIONS FOR ADMITTANCE TO U.S. BEFORE US. FURTHERMORE, MALAYSIAN SENSITIVITIES APPARENT IN REF A SUGGEST GOM WOULD BE GREATLY OFFENDED IF WE SURFACED PROBLEM AT THIS TIME. WHILE GOP MAY WELL HARBOR SUSPICIONS TO CONTRARY, THEY WILL HAVE TO LIVE WITH OUR EVENTUAL STATEMENT OF LEGITIMATE FACT THAT WE DID NOT KNOW OF ESCAPE ATTEMPT UNTIL IT WAS UNDERWAY AND GROUP WAS EN ROUTE. REQUEST YOUR BEST JUDGMENT WHETHER MAYNIGOS OR JUMATS WOULD HAVE JUSTIFIABLE FEAR OF PERSECUTION SHOULD THEY BE RETURNED TO PHILIPPINES BY MALAYSIAN AUTHORITIES.

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